

Merchantville, NJ

November 9, 2009

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 9, 2009. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

#### **ROLL CALL:**

Council Present: Alloway, Brennan, Perno, Brunton, Waldron, Fields, Clerk Brouse, CFO Moules and Attorney Higgins.

#### **PUBLIC HEARING ON ORDINANCES**

##### **Ordinance 09-17**

**Amending Chapter 71A, Storm water management, to the Code of the Borough of Merchantville**

##### **Ordinance 09-18**

**Merchantville Pennsauken Water Commission Guaranteeing Payment**

**Gail Ford, 135 North Centre Street**, there were 2 versions on website. What is the \$75,000 being used for? What are the soft costs? Mr. Perno explained the costs. Can we pass ordinance reducing to what is required?

**Monica Sohler, 5 Clifton Avenue**, Concerned about bikeway costing residents tax dollars, do we need to do this now? Mayor responded that this is a buffer and will not be spent if not needed. It will improve the look of the entire town. Will the return be worth the investment?

#### **PUBLIC**

**Christine Dixon, 219 Westminster Avenue and Dorothy Foley, 210 Westminster Avenue**, regarding speed limit sign that they do not want. Lived here 10-11 years and have not had a sign? Can we issue tickets on the street or add apron signs (children playing). Mr. Perno responded that marks on the street giving speed limit. Engineer will present location before council. Mr. Brunton will talk to Dan at Public Works.

**ENGINEER'S REPORT:** Jay Sims gave the engineer report on all ongoing projects.

**APPROVAL OF MINUTES:** On a motion of Mr. Brennan and second of Mr. Alloway (with Mr. Brunton voting no) Council approved the regular meeting minutes for 10/19/09.

**CORRESPONDENCE:** none

#### **COUNCIL REPORTS:**

**Mrs. Fields-** Reasonable Suspicion training was held last week on 11/4/09 9:00 AM to 11:00 AM. EMS had 30 calls. Code Enforcement . 4 resale, Code Enforcement meeting on Wednesday, November 1, 606 sited again for various things & a court date. No NPP report. Dec 12, H1N1 vaccine is set up for all teachers & students. November 16<sup>th</sup> next public events meeting. 177 S. Centre received HPC approval for façade improvements. Shade tree will meet Wednesday and just attended conference.

**Mr. Brunton-**Office of Emergency Management no activity, Public Works signage updated, Storm Water Requirement Ordinance, new 10 point system for stormwater due by Dec of this year. Bus shelters have been moved. A Car hit the trash truck. JIF passed inspections at Public works building, leaf collections started today.

**Mr. Perno** gave Boro Hall updates. Community Center meeting regarding renovations to the building and how to apply.

**Mr. Brennan-** Court collected \$14,939.56, happy with renovations.

**Mr. Alloway** gave Police report, no heat calls, space heaters added & heater fixed. Home with many cats and

code issues was addressed and consider ordinance limiting number of cats. Operation Medicine Cabinet drop off will be November 14. Retirement letter for Bill Watson. Proclamation at reorganization meeting.

### **Clerk's Report**

Election results including Bingo and Raffle license question passing. Census information will begin in the next month. Bids for the Senior Center bathroom and Sanitary Sewer projects are out.

### **OLD BUSINESS:**

Ordinances for second reading and adoption

### **Ordinance 09-17 Amendment to Chapter 71A Stormwater**

On a motion of Mr. Brunton and second of Mr. Brennan the following Ordinance was introduced for second reading and then adopted:

**09-17**  
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF**  
**CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 71A,**  
**STORMWATER MANAGEMENT, TO THE CODE OF THE BOROUGH OF**  
**MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Commissioners of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 71A, Stormwater Management, be and hereby is amended in the Code of the Borough of Merchantville, as follows:

#### **ARTICLE X.**

#### **Refuse Containers/Dumpsters**

#### **ARTICLE I.**

#### **ARTICLE X.**

#### **SECTION 71A-38.**

#### **Purpose.**

This Article requires dumpsters and other refuse containers that are outdoors or exposed to storm water to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Merchantville and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### **ARTICLE II.**

#### **ARTICLE X.**

#### **SECTION 71A-39.**

#### **Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**"Municipal separate storm sewer system (MS4)"** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying storm water. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport storm water from streets and other sources.

**"Person"** – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

**"Refuse container"** – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

**"Storm water"** – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**"Waters of the State"** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

#### **ARTICLE III.**

#### **ARTICLE X.**

#### **SECTION 71A-40.**

#### **Prohibited Conduct.**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Merchantville.

**ARTICLE IV. ARTICLE X. SECTION 71A-41. Exceptions to Prohibition.**

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge storm water under a valid NJPDES permit
- e. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed curbside for pickup).

**ARTICLE V. ARTICLE X. SECTION 71A-42. Enforcement.**

This Article shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Merchantville.

**ARTICLE XI.**

**Private Storm Drain Inlet Retrofitting**

**ARTICLE VI. ARTICLE XI. SECTION 71A-43. Purpose.**

This Article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Merchantville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**ARTICLE VII. ARTICLE XI. SECTION 71A-44. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**"Municipal separate storm sewer system (MS4)"** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying storm water. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport storm water from streets and other sources.

**"Person"** – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

**"Refuse container"** – any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

**"Storm water"** – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**"Waters of the State"** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**ARTICLE VIII. ARTICLE XI. SECTION 71A-45. Prohibited Conduct.**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

**ARTICLE IX.****ARTICLE XI. SECTION 71A-46.****Design Standard:**

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended or settleable solids. For exemptions to this standard, see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect storm water from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted rains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and storm water basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.

b. Where flows are conveyed through any device (e.g. end of pip netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c) that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**ARTICLE X.****ARTICLE XI. SECTION 71A-47.****Enforcement.**

This Article shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Merchantville.

**ARTICLE XI.****ARTICLE XI. SECTION 71A-48.****Penalties.**

In addition to the penalties provided for in Section 71A-25 of this Chapter, any person(s) who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$1,250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

**ARTICLE XII.****Severability.**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**ARTICLE XIII.****Repealer.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE XIV.****Effective date.**

This Ordinance shall take effect after passage and publication according to law.

**Section 8.**

This ordinance shall take effect after final adoption and publication as required by law.

**Resolutions to be read and approved by consent agenda:** On a motion of Mr. Alloway and second of Mr. Brunton, Council approved the following resolutions to be read and approved by consent agenda:

**R09-133**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN  
PROCESS FOR THE SELECTION OF PROFESSIONAL  
SERVICES PROVIDERS FOR THE BOROUGH OF  
MERCHANTVILLE IN THE CALENDAR YEAR 2010**

**WHEREAS**, the Borough of Merchantville requires the services of various professional service providers; and

**WHEREAS**, professional services are exempt from the requirement of public bidding pursuant to N.J.S.A.40A:11-5; and

**WHEREAS**, the Borough of Merchantville continues to find it advisable to select professionals primarily on the basis of qualification including qualifications uniquely suited to the needs of the Borough of Merchantville; and

**WHEREAS**, the Borough of Merchantville has determined that it is appropriate to implement a fair and open process for the awarding of professional service contracts; and

**WHEREAS**, to receive statements of qualification in a manner that fosters a fair and open process it is necessary and advisable to establish advance general criteria and specific minimum requirements for so many of those appointments as possible; and

**WHEREAS**, the Borough of Merchantville has determined that a fair and open process requires public advertisement of professional appointments in a manner and with sufficient time to provide notice in advance of the contemplation of the appointment and the criteria to be considered in making the appointment; and

**WHEREAS**, the Borough of Merchantville has determined that a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the governing body and then published in accordance with N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Borough Council of the Borough of Merchantville as follows:

1. All professional service appointments contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause a legal notice to be published in a newspaper authorized to publish legal notices for the Borough, stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualifications will be posted on the Borough's internet website beginning no later than November 16, 2009.
3. The criteria for each position contained on Schedule A follows immediately subsequent to the listing on Schedule A. These criteria shall be disclosed together with the posting of these positions on the Borough's internet website as set forth above.
4. The website posting shall inform potential applicants that all submissions must be made to the Office of Borough Clerk and received not later than 12:00 p.m. December 4, 2009.
5. Commencing at 12:01 p.m. on December 7, 2009, or as soon thereafter as may be possible, the Borough Clerk or her designee shall publicly open and announce all submissions in the Borough's public meeting room.
6. The Mayor and Borough Council shall thereafter review all submissions.
7. Appointments shall thereafter be made at a public meeting of the Mayor and Borough Council of the Borough of Merchantville.

8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council have determined that the terms of this Resolution constitute a fair and open process as to all positions included herein.

**R09-136**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER  
OF ALCOHOLIC BEVERAGE LICENSE**

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License No. 0424-44-001, heretofore issued to Manish Kandar for premises located at 620 West Maple Avenue, Merchantville, NJ; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the licensed and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Merchantville does hereby approve, effective November 9, 2009, the transfer of the aforesaid Plenary Retail Consumption License to Jaynesh Patel and JD Royal Properties 2, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Jaynesh Patel and JD Royal Properties 2, LLC, effective November 9, 2009.

**R09-137**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
TO CANCEL SPENDING AUTHORIZATION**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the council of the Borough of Merchantville, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

C-04-55-808-905	CONSTRUCTION/PURCHASES	191,735.47
C-04-55-808-981	ENGINEERING-BLDG RENOVATIONS	11,334.90
C-04-55-808-982	ENGINEERING-TRAFFIC LIGHT	5,000.00
	<b>TOTAL</b>	<b>208,070.37</b>
 C-08-55-900-901	 96-07/97-08 SEWER IMPROVEMENTS	 354,369.00
	<b>TOTAL</b>	<b>354,369.00</b>

**R09-138**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELLING  
2009 BUDGET APPROPRIATIONS WITH UNEXPENDED BALANCES**

**WHEREAS**, the attached schedule indicates those budget accounts with unexpended balances; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

Landfill/Solid Waste Dump Contract	9-01-32-837-251	20,000.00
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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the attached listed unexpended balances of the Current Fund are hereby canceled.

**RESOLUTION 09-138 AUTHORIZATION TO HIRE R.D. ZEULLI, INC.**

On a motion of Mr. Perno and second of Mr. Brennan Council approved the following resolution:

**R09-139**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY  
OF CAMDEN AND STATE OF NEW JERSEY SELECTING R. D. ZEULLI, INC. COMPANY TO  
REMOVE RAIL TRACK AND TIES**

**WHEREAS**, the Borough Council of the Borough of Merchantville quoted to have the portion of rail track and ties removed on E. Chestnut Avenue from Park Avenue to Cove Road; and

**WHEREAS**, the Borough Council of the Borough of Merchantville desires to contract with R.D. Zeulli, Inc. Company to remove these rails and ties; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Merchantville does hereby select R. D. Zeulli Inc. Company, \_\_\_\_\_, \_\_\_\_\_ to provide the services as detailed in their proposal letter (Exhibit A) in an amount not to exceed \$9,830.00.

**Discussion**-Website update and recommendation to accept Cadis Art as our web developer. A web site committee was appointed that consisted of Mr. Brennan, Mr. Brunton and Clerk Brouse.

**Discussion**-PNC bank progress-working on agreement and contract. Have contacted people other than Yards.

**PAYMENT OF BILLS**-On a motion of Mrs. Fields and second of Mr. Waldron, Council approved the following bills for payment.

**R09-140**  
**RESOLUTION**

**RESOLVED** that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

**Borough of  
Merchantville  
Current Fund**

**Bill List Summary**

**November 9, 2009**

	Revenue	Budget
<b>Checks Current Fund</b>	2008 Budget	

	2009 Budget	14,541.19	479,228.70
	State / Federal Grants		9,167.96
	Debt Service		
	Board of Education		1,197,267.63
	Checks Delivered		
	Total Current	\$14,541.19	\$1,685,664.29
<b>Sewer Utility Fund</b>			
	2009 Budget		216.20
	Debt Service		
	Sewer Capital		4,412.50
	Checks Delivered		
	Total Sewer		\$4,628.70
<b>Recreation Commission</b>			
	2009 Budget		
	Revenue Rec	140.00	
	Checks Delivered		
	Total Recreation	\$140.00	
<b>General Capital Fund</b>			
	2009 Budget		78,274.74
	Checks Delivered		
	Total Capital		\$78,274.74
<b>Trust-Other Fund</b>			
	2009 Budget		
	Checks Delivered		
	Total Trust		
<b>Animal Trust</b>			
<b>Unemployment</b>			
	2009 Budget		
	2009 Budget		
	Checks Delivered		
		Total	
Total Bill list	Total Revenue 14,681.19	Total Budget	\$1,768,567.73

**ADJOURNMENT:** On the motion of Mr. Brunton and second of Mr. Alloway, the meeting was adjourned at 9:23 PM.

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DENISE BROUSE  
BOROUGH CLERK